REMARKS

Claims 1-17 are all the claims pending in the application.

I.   Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Emens et al. (US 6,463,343) in view of Perkins et al. (US 6,106,457). Applicants respectfully traverse this rejection on the following basis.

Claim 1 recites that the <u>selection of the captured display image</u> by the user <u>directly results</u> in said command selector <u>executing the single particular command</u>. In the Office Action, the Examiner has recognized that Emens does not disclose or suggest such a feature (see Office Action at page 3). The Examiner, however, has applied Perkins and has taken the position that Perkins cures this deficiency of Emens. Applicants respectfully disagree.

In particular, with respect to Perkins, Applicants note that this reference discloses the ability to create patient records that incorporate several different types of data, including image data, audio data, and annotation data (see col. 6, lines 33-39). In this regard, as disclosed in Perkins, a patient record can include a predetermined number of captured images, along with corresponding audio data and/or annotation data (see col. 31, lines 40-46).

Based on the Examiner's comments in the Office Action, it appears as though the Examiner is taking the position that the above-described ability in Perkins to store image data along with corresponding audio data and/or annotation data corresponds to the above-noted feature recited in claim 1 which indicates that "the selection of the captured display image by the user directly results in said command selector executing the single particular command".

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Applicants respectfully disagree.

In particular, with respect to the patient record of Perkins, as shown in Fig. 43 of Perkins, Applicants note that such a patient record includes information such as the patient name, the patient ID, various images of the patient (e.g., image 1 and image 2), as well as audio data (e.g., audio 1 and audio 2) and transcription data (see col. 35, lines 51-67). In Fig. 43, however, when the physician accesses a particular patient record on his/her computer, while image data is displayed along with audio icons and transcription data, the physician does <u>not</u> select one of the images which results in a single particular command being executed. Instead, the images (e.g., image 1 and image 2) are merely displayed on the patient record for the physician's reference.

For example, if the physician wants to listen to the audio data that corresponds to a particular image, the physician does <u>not</u> select the image itself. Instead, as clearly shown in Fig. 43, and as explained in Perkins at col. 35, lines 57-67, the physician would click on the audio file (e.g., audio 1), which would then play back the audio associated with the corresponding image file (e.g. image 1).

Thus, while Perkins discloses the ability to create a patient record that stores image data along with corresponding audio data and/or annotation data, Applicants respectfully submit that Perkins does not disclose or in any way suggest that the <u>selection of a captured display image</u> by the user <u>directly results</u> in a command selector <u>executing a single particular command</u>.

In view of the foregoing, Applicants respectfully submit that Perkins does not disclose, suggest or otherwise render obvious the above-noted feature recited in claim 1 which indicates that the selection of the captured display image by the user directly results in said command selector executing the single particular command. Accordingly, Applicants submit that claim 1

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is patentable over the cited prior art, an indication of which is kindly requested. Claims 2-8 depend from claim 1 and are therefore considered patentable at least by virtue of their dependency.

Regarding claims 9 and 17, Applicants note that each of these claims recites that the selection of the captured display image by the user directly results in said executing of the single particular command. For at least similar reasons as discussed above with respect to claim 1, Applicants respectfully submit that the combination of Emens and Perkins does not teach, suggest or otherwise render obvious such a feature.

Accordingly, Applicants submit that claims 9 and 17 are patentable over the cited prior art, an indication of which is kindly requested. Claims 10-16 depend from claim 9 and are therefore considered patentable at least by virtue of their dependency.

II.   Claim Rejections under 35 U.S.C. § 101

Claim 17 has been rejected as allegedly being drawn to non-statutory subject matter. By this amendment, Applicants note that claim 17 has been amended by replacing the term "recording" with --storage--, as suggested by the Examiner.

In view of the foregoing, Applicants submit that claim 17 is directed to statutory subject matter. Accordingly, Applicants kindly request that the above-noted rejection be reconsidered and withdrawn.

III.   Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may best be resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Kiyomi SAKAMOTO et al.

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